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**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-1155

**KHALEELAH DAWN COATES  
214 Haight Street  
San Francisco, CA 94102**

**A C C U S A T I O N**

**Vocational Nurse License No. VN 148872**

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about July 24, 1990, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License No. VN 148872 to Khaleelah Dawn Coates (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2012, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1       4.     Section 2875 of the Business and Professions Code (Code) provides, in pertinent part,  
2 that the Board may discipline the holder of a vocational nurse license for any reason provided in  
3 Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4       5.     Section 118(b) of the Code provides, in pertinent part, that the expiration of a license  
5 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
6 within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1  
7 of the Code, the Board may renew an expired license any time within four years after expiration.

8                               STATUTORY AND REGULATORY PROVISIONS

9       6.     Section 2878 of the Code provides, in pertinent part, that the Board may suspend or  
10 revoke a vocational nurse license for, among other things:

11       (a) Unprofessional conduct;

12       (f) Conviction of a crime substantially related to the qualifications, functions, and duties of  
13 a licensed vocational nurse, in which event the record of the conviction shall be conclusive  
14 evidence of the conviction; and/or

15       (j) The commission of any act involving dishonesty, when that action is related to the  
16 duties and functions of the licensee.

17       7.     Section 2878.5 of the Code provides, in pertinent part, that it is unprofessional  
18 conduct for a licensed vocational nurse to:

19       (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
20 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
21 administer to another, any controlled substance or any dangerous drug.

22       (b) Use any controlled substance or any dangerous drug, or alcoholic beverages, to an  
23 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,  
24 or to the extent that the use impairs his or her ability to conduct with safety to the public the  
25 practice authorized by his or her license.

26       (c) Be convicted of a criminal offense involving possession of any narcotic or dangerous  
27 drug, or the prescription, consumption, or self-administration of any of the substances described  
28 in (a) and (b), in which event the record of the conviction is conclusive evidence thereof.

1        8.     Section 490 of the Code provides, in pertinent part, that the Board may suspend or  
2     revoke a license when it finds that the licensee has been convicted of a crime substantially related  
3     to the qualifications, functions or duties of a licensed vocational nurse.

4        9.     California Code of Regulations, title 16, section 2518.6 states, in pertinent part:

5        “(b) A licensed vocational nurse shall adhere to standards of the profession and shall  
6     incorporate ethical and behavioral standards of professional practice which include but are not  
7     limited to the following:

8        (4) Abstaining from chemical/substance abuse.”

9        10.    California Code of Regulations, title 16, section 2521 provides, in pertinent part, that  
10    a crime or act shall be considered to be substantially related to the qualifications, functions or  
11    duties of a licensed vocational nurse if to a substantial degree it evidences present or potential  
12    unfitness of a licensed vocational nurse to perform the functions authorized by his license in a  
13    manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but  
14    not be limited to those involving the following:

15        (c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
16    violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the  
17    Business and Professions Code [the Vocational Nursing Practice Act].

18        (f) Any crime or act involving the sale, gift, administration, or furnishing of narcotics or  
19    dangerous drugs or dangerous devices.

20        11.    Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21    administrative law judge to direct a licensee found to have committed a violation of the licensing  
22    act to pay a sum not to exceed reasonable costs of the investigation and enforcement of the case.

23                                    CONTROLLED SUBSTANCES / DANGEROUS DRUGS

24        12.    Section 4021 of the Code states:

25        “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
26    11053) of Division 10 of the Health and Safety Code.”

27        13.    Section 4022 of the Code states, in pertinent part:

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1 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
2 except veterinary drugs that are labeled as such, and includes the following:

3 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
4 prescription,’ ‘Rx only,’ or words of similar import. . . .

5 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
6 prescription or furnished pursuant to Section 4006.”

7 14. **Cocaine** is a Schedule I (in base/rock/crack form) or Schedule II controlled substance  
8 as designated by Health and Safety Code sections 11054(f)(1) and 11055(b)(6) and a dangerous  
9 drug as designated by Business and Professions Code section 4022. It is a narcotic drug.

10 FIRST CAUSE FOR DISCIPLINE

11 (Conviction of Substantially Related Crime)

12 15. Respondent is subject to disciplinary action under section 2878(f) of the Code and/or  
13 section 490 of the Code, by reference to California Code of Regulations, title 16, section 2521, in  
14 that on or about May 4, 2006, in a criminal case titled *People v. Kiaheef DeMarco and Khaleelah*  
15 *Coates*, Case No(s). 2249205 and 2249212 in San Francisco County Superior Court, Respondent  
16 was convicted of violating Health and Safety Code section 11351.5 (Possession/Purchase for  
17 Purposes of Sale of Controlled Substance – **cocaine base**), a felony, as follows:

18 a. On or about January 4, 2006, Respondent was arrested by San Francisco Police after  
19 she initiated and/or participated in a sale of **cocaine base** to an undercover officer.

20 b. On or about January 6, 2006, Respondent and her co-defendant were charged in Case  
21 No(s). 2249205 and 2249212 with violating: (1) Health and Safety Code section 11352(a) (Sale,  
22 Furnishing, Administration, Giving Away Controlled Substance – **cocaine base**), a felony, with  
23 special allegations pursuant to Penal Code sections 1203.073(b)(7) (not probation eligible) and  
24 12022.1 (commission of crime while out of custody on bail/OR for a felony offense); and (2)  
25 Health and Safety Code section 11351.5 (Possession/Purchase for Purposes of Sale of Controlled  
26 Substance – **cocaine base**), a felony, with a special allegation pursuant to Penal Code section  
27 12022.1 (commission of crime while out of custody on bail/OR for a felony offense).

28 c. On or about May 4, 2006, Respondent pleaded guilty to the second count, a felony.

1 d. On or about September 13, 2006, imposition of sentence was suspended in favor of a  
2 period of probation of three (3) years, on terms and conditions including six (6) months in County  
3 Jail (27 days credit for time served), registration as a drug offender pursuant to Health and Safety  
4 Code section 11590, warrantless search conditions, and fines and fees.

5 e. On or about April 29, 2008, based on the alleged violations of probation inherent in  
6 San Francisco County Superior Court Case No. 2358697 (see below), by order of the Superior  
7 Court the probation ordered in Case No. 2249205 was terminated as unsuccessful.

8 SECOND CAUSE FOR DISCIPLINE

9 (Unlawful Acquisition or Possession of Controlled Substance)

10 16. Respondent is subject to disciplinary action under sections 2878(a) and 2878.5(a) of  
11 the Code, in that as described in paragraph 15 above, on or about January 4, 2006, Respondent  
12 obtained or possessed in violation of law, or prescribed, or except as directed by a licensed  
13 physician and surgeon, dentist or podiatrist administered to herself or furnished or administered to  
14 another, a controlled substance or any dangerous drug.

15 THIRD CAUSE FOR DISCIPLINE

16 (Conviction of Drug-Related Crime)

17 17. Respondent is subject to disciplinary action under sections 2878(a) and 2878.5(c) of  
18 the Code, in that as described in paragraph 15 above, on or about May 4, 2006, Respondent was  
19 convicted of a criminal offense involving possession of a narcotic or dangerous drug, or  
20 prescription, consumption, or self-administration of a controlled substance and/or dangerous drug.

21 FOURTH CAUSE FOR DISCIPLINE

22 (Conviction of Substantially Related Crime)

23 18. Respondent is subject to disciplinary action under section 2878(f) of the Code and/or  
24 section 490 of the Code, by reference to California Code of Regulations, title 16, section 2521, in  
25 that on or about April 8, 2008, in a criminal case titled *People v. Delwaun Johnson, Khaleelah*  
26 *Coates*, Case No(s). 2358694 and 2358697 in San Francisco County Superior Court, Respondent  
27 was convicted of violating Health and Safety Code section 11352(a) (Sale, Furnishing,  
28 Administration, Giving Away Controlled Substance – **cocaine base**), a felony, as follows:

1 a. On or about March 7, 2008, Respondent was arrested by San Francisco Police after  
2 she initiated and/or participated in a sale of **cocaine base** to an undercover officer.

3 b. On or about March 11, 2008, Respondent and her co-defendant were charged in Case  
4 No(s). 2358694 and 2358697 with violating Health and Safety Code section 11352(a) (Sale,  
5 Furnishing, Administration, Giving Away Controlled Substance – **cocaine base**), a felony, with  
6 special allegations pursuant to Penal Code section 1203.073(b)(7) (not probation eligible), Health  
7 and Safety Code section 11353.6(b) (on or within 1,000 feet of school grounds during hours that  
8 the school was open or when minors were present), Health and Safety Code sections 11370 and  
9 11370.2 (for Respondent's prior conviction of violating Health and Safety Code section 11351.5),  
10 and Penal Code section 1203.07(a)(11) (for Respondent's prior conviction).

11 c. On or about April 8, 2008, Respondent pleaded guilty to the felony count.

12 d. On or about April 29, 2008, imposition of sentence was suspended in favor of a  
13 period of probation of five (5) years, on terms and conditions including one (1) year in County  
14 Jail (39 days credit for time served), registration as a drug offender pursuant to Health and Safety  
15 Code section 11590, warrantless search conditions, and fines and fees.

16 e. On or about June 10, 2010, based on the alleged violations of probation inherent in  
17 San Francisco County Superior Court Case No. 10017372 (see below), by order of the Superior  
18 Court the probation ordered in Case No. 2358697 was administratively revoked. Respondent was  
19 placed into custody and denied bail, pending the outcome of Case No. 10017372.

20 FIFTH CAUSE FOR DISCIPLINE

21 (Unlawful Acquisition or Possession of Controlled Substance)

22 19. Respondent is subject to disciplinary action under sections 2878(a) and 2878.5(a) of  
23 the Code, in that as described in paragraph 18 above, on or about March 7, 2008 Respondent  
24 obtained or possessed in violation of law, or prescribed, or except as directed by a licensed  
25 physician and surgeon, dentist or podiatrist administered to herself or furnished or administered to  
26 another, a controlled substance or any dangerous drug.

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1 SIXTH CAUSE FOR DISCIPLINE

2 (Conviction of Drug-Related Crime)

3 20. Respondent is subject to disciplinary action under sections 2878(a) and 2878.5(c) of  
4 the Code, in that as described in paragraph 18 above, on or about April 8, 2008 Respondent was  
5 convicted of a criminal offense involving possession of a narcotic or dangerous drug, or  
6 prescription, consumption, or self-administration of a controlled substance and/or dangerous drug.

7 SEVENTH CAUSE FOR DISCIPLINE

8 (Conviction of Substantially Related Crime)

9 21. Respondent is subject to disciplinary action under section 2878(f) of the Code and/or  
10 section 490 of the Code, by reference to California Code of Regulations, title 16, section 2521, in  
11 that on or about September 10, 2010, in a criminal case titled *People v. Khaleelah Coates*, Case  
12 No. 10017372 in San Francisco County Superior Court, Respondent was convicted of violating  
13 Health and Safety Code section 11352(a) (Sale, Furnishing, Administration, Giving Away  
14 Controlled Substance – **cocaine base**), a felony, as follows:

15 a. On or about June 8, 2010, Respondent was arrested by San Francisco Police after she  
16 initiated and/or participated in a sale of **cocaine base** to an undercover officer.

17 b. On or about June 10, 2010, Respondent was charged in Case No. 10017372 with  
18 violating Health and Safety Code section 11352(a) (Sale, Furnishing, Administration, Giving  
19 Away Controlled Substance – **cocaine base**), a felony, with special allegations pursuant to Penal  
20 Code section 1203.073(b)(7) (not probation eligible), Health and Safety Code sections 11370 and  
21 11370.2 (for Respondent's prior 2006 and 2008 convictions of controlled substances crimes), and  
22 Penal Code section 1203.07(a)(11) (for Respondent's prior convictions).

23 c. On or about September 10, 2010, Respondent pleaded guilty to the felony count.

24 d. On or about October 6, 2010, imposition of sentence was suspended in favor of a  
25 period of probation of three (3) years, on terms and conditions including one (1) year in County  
26 Jail (121 days credit for time served), registration as a drug offender pursuant to Health and  
27 Safety Code section 11590, an order to stay away from the street intersection(s) where  
28 Respondent was apprehended, warrantless search conditions, and fines and fees.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Unlawful Acquisition or Possession of Controlled Substance)

3 22. Respondent is subject to disciplinary action under sections 2878(a) and 2878.5(a) of  
4 the Code, in that as described in paragraph 21 above, on or about June 8, 2010 Respondent  
5 obtained or possessed in violation of law, or prescribed, or except as directed by a licensed  
6 physician and surgeon, dentist or podiatrist administered to herself or furnished or administered to  
7 another, a controlled substance or any dangerous drug.

8 NINTH CAUSE FOR DISCIPLINE

9 (Conviction of Drug-Related Crime)

10 23. Respondent is subject to disciplinary action under sections 2878(a) and 2878.5(c) of  
11 the Code, in that as described in paragraph 21 above, on or about September 10, 2010 Respondent  
12 was convicted of a criminal offense involving possession of a narcotic or dangerous drug, or  
13 prescription, consumption, or self-administration of a controlled substance and/or dangerous drug.

14 TENTH CAUSE FOR DISCIPLINE

15 (Controlled Substance/Dangerous Drug Use/Abuse)

16 24. Respondent is subject to disciplinary action under sections 2878(a) and 2878.5(b) of  
17 the Code, and/or California Code of Regulations, title 16, section 2518.6, in that between no later  
18 than 2005 and until at least March 2008, Respondent used one or more controlled substance(s) or  
19 dangerous drug(s), or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
20 herself, any other person, or the public, or to the extent that the use impaired her ability to  
21 conduct with safety to the public the practice authorized by her license, and/or failed to abstain  
22 from chemical/substance abuse. Respondent admitted to problems with abuse, and attempts at  
23 recovery, during the above time period, in materials submitted to and/or exchanged with the  
24 Board along with her renewal documents in or about October and/or December 2008.

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1 DISCIPLINE CONSIDERATIONS

2 25. To determine the proper degree of discipline, if any, to be imposed on Respondent,  
3 Complainant further alleges that Respondent, in violation of section 2878(j) of the Code, by  
4 reference to California Code of Regulations, title 16, section 2521, on or about October 10, 2004  
5 committed act(s) involving dishonesty. The circumstances were as follows:

6 a. On or about October 10, 2004, Respondent entered a Walgreens in El Sobrante, CA,  
7 took a hand basket to the hair care product(s) aisle, placed items into the hand basket, ran out of  
8 the store without paying, and jumped into a car driven by accomplice(s) and drove away.

9 b. Later in the same day, Respondent and accomplice(s) were apprehended as they were  
10 loitering in or near a Walgreens in Orinda, CA and/or attempted to repeat this conduct.

11 c. A search of the trunk of the vehicle used by Respondent and her accomplice(s) turned  
12 up the hand basket and goods totaling \$276.55 in value from the El Sobrante Walgreens.

13 d. Respondent admitted to police that she had engaged in the earlier theft(s).

14 PRAYER


15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
17 issue a decision:

18 1. Revoking or suspending Vocational Nurse License No. VN 148872, issued to  
19 Khaleelah Dawn Coates (Respondent);

20 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
21 enforcement of this case, pursuant to Business and Professions Code section 125.3;

22 3. Taking such other and further action as is deemed necessary and proper.

23 DATED: January 13, 2011

24   
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
25 Executive Officer  
26 Board of Vocational Nursing and Psychiatric Technicians  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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